761551N25A - SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: December 7, 2001

OFFICE CORRESPONDENCE

FILE:

FROM: RICHARD L. CASTRO, COMMANDER
TRAINING DIVISION

TO: DONALD A. RODRIGUEZ, CAPTAIN
SANTA CLARITA VALLEY STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS HIT SHOOTING, NOVEMBER 18, 2000 , IAB REVIEW #2025381**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on November 18, 2000.

The Committee met on December 6, 2001 and consisted of myself, Commanders David Betkey (Commander of the Department), and Patrick Mallon (A/Commander of the Department). The Committee determined that the use of force by Deputies Jonathan Melville #[redacted] Robert Hill #[redacted] and Sergeant Donald Wyman #[redacted] was within Department policy. **Please advise these employees of this finding.**

RLC:KRK:kk

TABLE OF CONTENTS

SHOOTING INCIDENT EVALUATION

EXHIBITS A-1 THROUGH D

MISCELLANEOUS DOCUMENTS

PPI Profiles for Deputies Melville, Hill, and Sergeant Wyman
Assignment Card Request
Assignment Cards for Deputies Melville, Hill and Sergeant Wyman
Shooting and Training Records
Santa Clarita Valley Station Early Morning In-Service Sheet for 11-18-00

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
11-18-00	SANTA CLARITA STATION	☐	☒

Incident Information

URN: 000-14778-0635-011	Date: 11-18-00. Time: 0135 HOURS
City or Station: SANTA CLARITA	Nature of Incident: ATTEMPT MURDER OF A PEACE OFFICER DEPUTY INVOLVED SHOOTING - SUSPECT KILLED
Location: [redacted] SNAPDRAGON PLACE SANTA CLARITA, CA	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence (circled), Rural, School, Street, Other: ________

Lighting (*circle only one*): Darkness, Daylight, Other, Street Lights (circled)

Weather (*circle only one*): Clear (circled), Cloudy, Fog, Rain

Distance: 25 - 30 FEET

Incident Type (*circle one or more*): Accidental, Armed Person (circled), Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Other: ________

Initiated by (*circle only one*): Arrest Warrant, Call (circled), Observation, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, Routine Patrol (circled)

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
21	7 - 8	☐	☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	[redacted]	[redacted]		EM (circled) PM Day	Regular (circled) Overtime Off Duty
[redacted]	[redacted]	[redacted]		EM (circled) PM Day	Regular (circled) Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.		
[redacted]	[redacted]			
Street [redacted]	City [redacted]	Zip [redacted]	Work Ph	[redacted]
[redacted]	[redacted]			
Street Add[redacted]	City [redacted]	Zip [redacted]	Work Ph	[redacted]
[redacted]	[redacted]			
Street A[redacted]	City [redacted]	Zip Code [redacted]	Work Ph	Home Ph [redacted]

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*)
[redacted]	WYMAN	DONALD		On Duty (circled), Present during shooting (circled), Witness to shooting (circled), Involved in shooting (circled)
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	ROBERTS	JOHN	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	WEISS	WILLIAM	

PSTD Use Only

SH # 2025381

See Reverse

Officer Involved Shooting

URN: 000-14778-0635-011

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
11-18-00	0245	11-20-00	

Employee #	Last Name	First Name	M.I
[redacted]	CAMPBELL	THOMAS	T.
[redacted]	GARZA	JOE	L.
[redacted]	O'BRIEN	THOMAS	M.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E-1	S-1	FH	BR	9	Y	Y	DH	CH
E-2	S-1	FH	BR	9	Y	Y	DH	CH
E-2	S-1	FS	IT	12	Y	Y	DH	CH
E-3	S-1	FH	BR	9	Y	Y	DH	CH
S-1	E-1	FR	ZZ	WW			NN	
S-1	E-2	FR	ZZ	WW			NN	
S-1	E-3	FR	ZZ	WW			NN	

Officer Involved Shooting
Involved Employee Information

URN: 000-14778-0635-011

Involved Employee

E 1

Employee # [redacted]	Last Name WYMAN	First Name DONALD	M.I.
Sex: M Race: W	Rank Sergeant	Unit Assignment: SANTA CLARITA	Work Assignment (Unit #, Module, etc.): 60S
ShiftTime (*circle only one*): (EM) PM Day	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting: 7	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 5' 08"	Weight: 165		
Range Qualification Date: [redacted]		PPC Qualification Date: [redacted]	Laser Training Date: [redacted]
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E 2

Employee # [redacted]	Last Name MELVILLE	First Name JONATHAN	M.I.
Sex: M Race: W	Rank Deputy Generalist	Unit Assignment: SANTA CLARITA	Work Assignment (Unit #, Module, etc.): 65K
ShiftTime (*circle only one*): (EM) PM Day	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 5' 10"	Weight: 180		
Range Qualification Date: [redacted]		PPC Qualification Date: [redacted]	Laser Training Date: [redacted]
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E 3

Employee # [redacted]	Last Name HILL	First Name ROBERT	M.I.
Sex: M Race: W	Rank BONUS 1	Unit Assignment: SANTA CLARITA	Work Assignment (Unit #, Module, etc.): 61
ShiftTime (*circle only one*): (EM) PM Day	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 6' 01"	Weight: 205		
Range Qualification Date: [redacted]		PPC Qualification Date: [redacted]	Laser Training Date: [redacted]
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 000-14778-0635-011

Suspect Information

S 1	Last Name GAULT		First Name MARK	M.I. J.
	AKA Last Name NONE		First Name	M.I.
	Sex: M Race: White	Street A[redacted]	City [redacted]	State & Zip [redacted]
	Work [redacted]	Home Phone: [redacted]	Social Securi[redacted]	Driver's Li[redacted]
	Age: 37 D.O.B. 12-07-63	Height: 5' 11" Weight: 200	FBI # [redacted]	CII # [redacted]
	Booking #	Primary Charge:	Secondary Charge:	
	Coroner Case? ☒	Coroner Case # 2000-08117	Intoxication/Drug Usage? ☒	Substance Used: cocaine
	Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
	Vehicle Make		Model:	Year:

S__	Last Name		First Name	M.I.
	AKA Last Name		First Name	M.I.
	Sex: Race:	Street Address:	City	State & Zip Code:
	Work Phone:	Home Phone:	Social Security #:	Driver's License #:
	Age: D.O.B.	Height: Weight:	FBI #	CII #
	Booking #	Primary Charge:	Secondary Charge:	
	Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
	Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
	Vehicle Make		Model:	Year:

S__	Last Name		First Name	M.I.
	AKA Last Name		First Name	M.I.
	Sex: Race:	Street Address:	City	State & Zip Code:
	Work Phone:	Home Phone:	Social Security #:	Driver's License #:
	Age: D.O.B.	Height: Weight:	FBI #	CII #
	Booking #	Primary Charge:	Secondary Charge:	
	Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
	Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
	Vehicle Make		Model:	Year:

S__	Last Name		First Name	M.I.
	AKA Last Name		First Name	M.I.
	Sex: Race:	Street Address:	City	State & Zip Code:
	Work Phone:	Home Phone:	Social Security #:	Driver's License #:
	Age: D.O.B.	Height: Weight:	FBI #	CII #
	Booking #	Primary Charge:	Secondary Charge:	
	Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
	Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
	Vehicle Make		Model:	Year:

See Other Side

INVESTIGATIVE SUMMARY

IAB CASE NUMBER SH 2025381

On Saturday, November 18, 2000, Sergeants Thomas T. Campbell and Joe Garza, along with Lieutenant Michael O'Brien of the Internal Affairs Bureau responded to [redacted] in the City of Santa Clarita regarding a Deputy Involved Shooting - Suspect Killed. Sergeant Donald Wyman, [redacted] and Deputies Robert Hill, [redacted] and Jonathan Melville, [redacted] assigned to uniformed patrol at Santa Clarita Valley Station, became involved in a shooting with Suspect Mark Gault, MW/37, when Gault fired several rounds at them from an assault rifle he had in his possession. Deputy Hill and his partner, Deputy Donald Knight, were sent to the Snapdragon address to investigate a possible vandalism. While at that location, Suspect Gault confronted them with a knife. Deputies Hill and Knight retreated and took a position of containment and notified Sergeant Wyman who responded to the location along with Deputy Melville and several other assisting units. Before the deputies could re-contact Suspect Gault, he exited the location and began shooting at them with the assault rifle. Deputies Melville and Hill, along with Sergeant Wyman, returned fire, wounding Suspect Gault, who turned and went back inside his house. Special Enforcement Bureau personnel were notified and responded to the location where members of the Special Weapons Team entered the Snapdragon address and found Suspect Gault inside the livingroom, dead from an apparent gunshot wound to the chest.

The summary of this incident in based on information obtained from reports, memoranda, and other documents regarding Santa Clarita Valley Station File #000-14778-0635-011, interviews of Sergeant Wyman, Deputies Hill and Melville, and the other deputy personnel and civilian witnesses at the crime scene by Homicide and IAB investigators, as well as recording and mobile digital data provided by the Sheriff's Communication Center (SCC).

INVOLVED DEPUTY PERSONNEL

Donald Wyman, [redacted]	Sergeant
Robert Hill, [redacted]	Bonus I
Jonathan Melville, [redacted]	Deputy Generalist

Department Background:

Sergeant Wyman is a 19 ½ year Department veteran who has worked at Santa Clarita Valley Station since June of 1991. He was promoted to Sergeant on June 4, 2000. This is

his [redacted]

Deputy Hill is a 10 year Department veteran who has worked at Santa Clarita Valley Station since November of 1995. This is his [redacted]

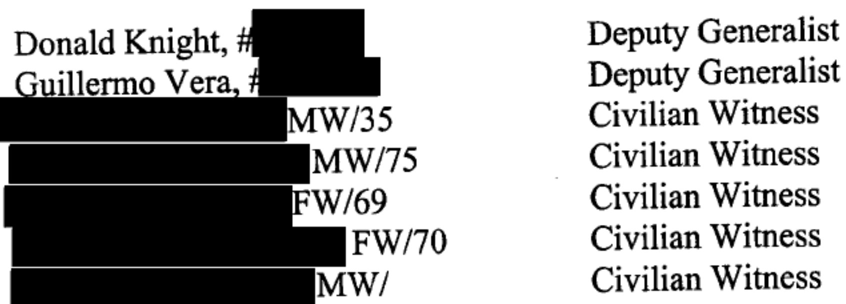
Deputy Melville is a 10 year Department veteran who has worked at Santa Clarita Valley Station since August of 1991. Prior to that, he worked at [redacted] This is his [redacted] and he [redacted]

SUSPECT INFORMATION

Mark Gault, MW/37	Deceased

Suspect Gault [redacted] For further details, refer to his criminal history record **(Exhibit D)**.

WITNESSES



Donald Knight, #[redacted]	Deputy Generalist
Guillermo Vera, #[redacted]	Deputy Generalist
[redacted] MW/35	Civilian Witness
[redacted] MW/75	Civilian Witness
[redacted] FW/69	Civilian Witness
[redacted] FW/70	Civilian Witness
[redacted] MW/	Civilian Witness

WEAPONS USED BY DEPUTY PERSONNEL

Deputy Melville fired four shotgun rounds at Suspect Gault with an Ithaca, Model 37, 12-gauge shotgun, Serial #[redacted] and 6 to 8 rounds with his Beretta. Two of the pellets fired from the shotgun struck Suspect Gault in the upper chest area and ultimately killed him. Sergeant Wyman and Deputy Hill fired 8 and 9 rounds respectively at Suspect Gault from their Department issued Berettas. None of those rounds hit the suspect.

WEAPONS USED BY SUSPECT

Suspect Gault fired several rounds at deputy personnel from a Maaoi Company 7.62x39 caliber semi-automatic rifle **(Exhibit B-1)**. Also in Suspect Gault's possession at the time of the shooting was one AMT 45 caliber semi-automatic pistol loaded with one live round in the chamber and four rounds in the magazine and one Colt Tropper 357 caliber revolver loaded with six live rounds **(Exhibit B-2)**. Prior to the shooting incident, Suspect Gault accosted Deputies Hill and Knight with a folding knife when they first made contact with him (photograph not taken of this weapon). Investigators also found one SKS bolt action rifle, with a folding bayonet, containing one empty magazine **(Exhibit B-10)** on top of a table in the diningroom, and two Mossberg 12 gauge pump shotguns containing five and six live 12 gauge shotguns shells respectively **(Exhibits B-11 & B-12)**, and one 45 caliber single action six-shot Ruger Vaquero revolver **(Exhibit B-13)** on the diningroom floor. In addition, one Springfield 30 caliber M-1 rifle, containing one 30.06 live armor piercing cartridge **(Exhibit B-14)** was found on top of two boxes in the diningroom.

INJURIES

There were no injuries to deputy personnel. Suspect Gault died of a shotgun wound to his chest, which had a trajectory of left to right, front to back, and downward. He also suffered one shotgun wound to the right hand, right lower forearm, and a through-and-through wound to the left shoulder. For further details refer to the Autopsy Report from the Coroner's Department under file #2000-08117 **(Exhibit C, pages 128 thru 156)**.

LIGHTING AND WEATHER CONDITIONS

This shooting incident occurred at approximately 0130 hours in the morning. It was a clear night and the lighting conditions consisted of street lamps, porch lights, and the headlights and spotlights of the deputies vehicles that were directed at Suspect Gault as he stood behind the cinder block wall and fired at the deputies with an assault rifle.

PHYSICAL EVIDENCE

Two Coroner's envelopes, each containing one shotgun pellet recovered from the remains of Suspect Gault at the time of his autopsy. Homicide and Internal Affairs Investigators found one Maaoi Company 7.62x39 semi-automatic rifle **(Exibit B-1)** laying on the driveway at the location, two pistols **(Exibits B-2)** in the yard just north of the location, and blood on the garage door, driveway, and front door of the location. There were numerous bullet strikes to the garage door and a table in front of the front door of the location **(refer to Exhibits B-3 & B-4)**. The glass panels and door frame of the rear door

were also broken. There was a blood trail throughout the residence that led to Suspect Gault who was found dead on the couch in the livingroom.

Investigators found bullet strikes to the garage door of the residence located at [redacted] Snapdragon Place, four houses north of the location. Those bullet strikes were fired by Suspect Gault when he shot at the deputies in the north end of the cul-de-sac. The residence located at [redacted] had bullet strikes on the north wall of that location. Those bullet strikes were from rounds fired by Sergeant Wyman and Deputy Hill when they returned fire on Suspect Gault. Twenty expended 9mm shell casings, along with one live and four expended 12 gauge shotgun shells were found in the cul-de-sac area north of the location were the deputies were positioned. Seven expended 7.62x39 caliber shell casings were recovered from the driveway where Suspect Gault stood and shot at the deputies. In addition, detectives found a small quantity of what appeared to be methamphetamine on top of the dresser against the east wall in the southwest upstairs bedroom **(refer to Exhibits and C, pages 28 and 29)**.

INVOLVED DEPUTY STATEMENTS

Deputy Melville said he was working Unit 65K EM's, a one man unit, when this incident occurred. He said while en-route to a call, he monitored a request for backup by Unit 61 EM's, Deputies Robert Hill and Donald Knight, regarding an uncooperative person at the Snapdragon address. He assigned himself the assist on the call and responded to that location. While en-route to the call, he contacted Deputies Hill and Knight on L-Tac and was told the back-up request was non emergent because the disturbing party had gone back inside his house. He said he also heard Unit 60S, Sergeant Donald Wyman, radio that he was responding to the call also. When he arrived at the location, he saw Deputies Hill and Knight speaking to a male without a shirt on that was standing in the street just south of the Snapdragon address. That person turned out to be [redacted] Suspect Mark Gault's [redacted] He said [redacted] told them that Suspect Gault had been drinking heavily because he was upset about his [redacted] being in the hospital. He said they placed [redacted] in the back seat of Deputies Hill and Knight's radio car so he could answer additional questions regarding Suspect Gault's actions and if there were any weapons inside the location. During the conversation with [redacted] Deputy Hill told him about the earlier confrontation he and Deputy Knight had with Suspect Mark Gault and that Mark Gault had been armed with a knife before retreating back into his residence.

Deputy Melville said he opened the trunk of his radio car and retrieved his stun bag shotgun for deployment. He, along with Deputies Hill and Knight, then repositioned their radio cars north of the location in the cul-de-sac area of Snapdragon Place. He said [redacted] was still in the back seat of Deputies Hill and Knight's radio car. He said they

backed up to the north end of the cul-de-sac with their radio cars facing Suspect Gault's residence. He said he shined both his unit's spotlights on the house, one illuminating the driveway and the north side of the house, and the other illuminating the area near the front door. He said before they moved their radio cars, they were approached by an elderly lady with gray hair [redacted] who had exited Suspect Gault's residence. He said [redacted] asked them if they would let [redacted] out of the back seat of the radio car so he could go talk to his [redacted] Suspect Gault. He said [redacted] told them that Suspect Gault was inside the house "tearing stuff up" because he was upset about his [redacted] being sick and in the hospital. He said they had her get in the back seat of the radio car with [redacted] Once [redacted] was in the back seat of the radio car, she became very reluctant to answer any further questions regarding Suspect Gault's behavior or if there were any weapons inside the location. He said [redacted] began talking about an [redacted] who was still inside the location, and after a few moments she finally told them that Suspect Gault was trying to get into the gun safe to retrieve some firearms.

Deputy Melville said after he and Deputies Hill and Knight repositioned their radio cars at the north end of the cul-de-sac, he put the stun bag shotgun on the passenger seat of his radio car and retrieved his shotgun. He said he chose to arm himself with the shotgun rather than the stun bag shotgun because of what [redacted] said about Suspect Gault trying to get into the gun safe and arming himself with firearms. He said Sergeant Wyman arrived at that point and parked his radio car between his unit and Deputies Hill and Knight's radio car. He said he moved his radio car a little bit further south, just north of Suspect Gault's driveway. He said from that position he could see the area leading to the front door, but not the front door itself. He said the front porch light was on illuminating the front porch area. He said while Deputies Hill and Knight briefed Sergeant Wyman regarding the incident, he took a position of cover behind his right front passenger door and trained his shotgun toward the suspect's house, but did not chamber a round.

Deputy Melville said Suspect Gault suddenly appeared from the front porch area and began walking toward the front of the garage. He said he could only see Suspect Gault's upper torso area because of the cinder block wall on the north side of the property. He said there were also couple of cars parked in the driveway. He said he observed a silhouette of a weapon, which he believed was a rifle with pistol grips in Suspect Gault's right hand. He said Suspect Gault was holding the weapon with the barrel pointed upward. He said just before he saw Suspect Gault appear from the porch area, he heard Deputy Guillermo Vera, who had taken a position of containment on the south side of the location, yell that Suspect Gault was coming out of the house armed with a gun. He said Suspect Gault walked between the garage and the parked cars in the driveway, stopping at the cinder block wall on the north side of the property. He said once Suspect Gault got to

the wall, he walked west out to the sidewalk and turned right facing them.

Deputy Melville said once Suspect Gault reached the sidewalk, he could see his entire body. He said Suspect Gault was wearing pants with no shirt and holding a rifle at the ready position and had two handguns in his waistband. He said Suspect Gault continued to walk straight at them. He said he chambered one round in his shotgun and stated, "Here he comes. He has a gun," to Sergeant Wyman and Deputies Hill and Knight. He said he then repeatedly told Suspect Gault to drop the rifle he was holding and stop where he was, but Gault ignored him and continued walking directly toward them. He said Suspect Gault made a taunting motion at them with his left hand in a circular motion as if telling them to "come on and get him." He said he didn't hear Suspect Gault say anything as he was making the circular motion with his left hand. Deputy Melville said he double checked the safety on his shotgun to make sure it was in the safe position. He said Suspect Gault then threw the rifle he was carrying onto the lawn of the residence directly north of his house. He said Suspect Gault then pulled the two handguns from his waistband with both hands and set them down on the lawn directly to his right. He said after Suspect Gault discarded the weapons, he just stood there staring at them with the lower half of his body still hidden by the cinder block wall.

Deputy Melville said he and all the other deputies present at the scene continued to yell at Suspect Gault to lie down on the ground, but Gault refused to comply with those commands. Instead, he bent forward at the waist and put both hands out in front of him and started to go down to the ground face first. He thought Suspect Gault was about to give up and surrender to them at that point, but all of a sudden Gault stood up and retrieved the rifle from the lawn with his right hand. He said he thought Gault might have picked up one of the handguns as well with his left hand, but wasn't sure. He said Suspect Gault was able to retrieve the rifle and possibly one of the handguns so quickly, because it was within an arm's length and waist high directly in front of him on the lawn. He said Suspect Gault then stated, "Fuck it, you got your guns, I've got mine." He said Suspect Gault then raised his left hand and shielded his eyes from the spotlights that were trained on him and looked in Sergeant Wyman and Deputy Hill's direction. He said he didn't think Suspect Gault saw him at that point and that Gault was unaware of his position almost directly parallel to him. He said he could hear Sergeant Wyman and several other deputies ordering Suspect Gault to drop the rifle and give up.

Deputy Melville said he continued to keep his shotgun trained on Suspect Gault as the other deputies present tried to convince him to drop his weapons and surrender. He said he had a bad feeling that maybe Suspect Gault was trying to commit suicide by cop because Gault kept taunting the deputies to shoot him. He said Suspect Gault began walking parallel to the wall toward the street and then suddenly ducked down behind it out of sight. He said from his position, he could see Suspect Gault's head and the barrel

of his rifle pointing up toward the sky. He said Suspect Gault looked directly at the deputies in the north end of the cul-de-sac, brought the rifle to port arms, and then raised it to his shoulder. He said Suspect Gault was now out of the direct illumination of the radio car's headlights, but not the spotlights. He said Suspect Gault's face was partially illuminated by one of the spotlights. He said Gault was able to move his head to the right and out of the spotlight's illumination. He thought that Suspect Gault was trying to get the lights out of his eyes so he could see where the deputies were and the positions of cover they had taken.

Deputy Melville said he believed the situation was becoming dangerous and that Suspect Gault was going to shoot at the deputies at the north end of the cul-de-sac as soon as he could see where they were located. He said he released the safety off his shotgun while still covering Suspect Gault. As he was doing so, he thought that Suspect Gault could now see the deputies positions in the cul-de-sac and was going to shoot at them. He said he moved his radio car to a position parallel to Suspect Gault and continued to focus on his actions. He said Sergeant Wyman and the other deputies present were still yelling at Gault to drop his weapons and to give up. He said all of a sudden he saw a big huge flash come from Suspect Gault's rifle. He said when he saw a second muzzle flash come from the suspect's rifle, he returned fire with his shotgun. He said he fired two rounds at Suspect Gault, taking careful aim each time he fired. He said when he fired the second round, he saw Suspect Gault move his head to the right and drop his chin down toward his chest. He said he thought he hit Suspect Gault with one or both of his rounds, or that he had possibly been hit by one or more of the rounds fired at him by the deputies in the cul-de-sac when they returned fire at him.

Deputy Melville said as he chambered another round and came back on target, he saw Suspect Gault begin backing away, still pointing his rifle at the deputies in the cul-de-sac. He said he saw an additional muzzle flash come from Suspect Gault's rifle as he continued to back away toward the garage. He said there was no doubt in his mind that Suspect Gault was trying to kill them. He then fired two additional rounds from his shotgun at Suspect Gault, but could not see if he hit him because Gault was closer to the garage and next to one of the parked cars in the driveway and was harder to see. He said he thought Suspect Gault was going to take cover behind one of the cars in the driveway and continue to fire his weapon at the deputies despite the fact that he might be wounded. He said after firing the last two rounds from his shotgun, he dropped it in the doorjamb area of his radio car and drew his Beretta 9mm pistol. He said Suspect Gault was still engaging the deputies at the north end of the cul-de-sac in gunfire and had moved to a position between the two cars parked in the driveway. He said when he saw a third muzzle flash come from Suspect Gault's rifle, he fired approximately 6 rounds at Gault with his Beretta. He said Suspect Gault continued to fire at the deputies in the cul-de-sac.

Deputy Melville said he was scared that Suspect Gault might kill one or more of the deputies in the cul-de-sac. He said he took careful aim and fired several two rounds bursts at Suspect Gault with his Beretta to stop the assault and end the threat he posed. He said he knew Suspect Gault had been shot, but it didn't seem to bother him. He said Gault just kept shooting at the deputies in the cul-de-sac. He said after firing 6 to 8 rounds at Suspect Gault with his Beretta, Gault suddenly ran to the front entrance of his residence and out of his view. He said he yelled to Deputy Vera and asked him if Suspect Gault had gone inside the house. He said Deputy Vera indicated that Gault had gone into the house. He said he then checked with the other deputies at the location and the two civilians in the back seat of Deputies Hill and Knight's radio car to make sure they were alright. He said fortunately, no deputy personnel or civilians had been hit by Suspect Gault's gunfire. After checking on everyone's welfare, he picked up his shotgun and reloaded it with slug rounds from the ammunition sleeve, which he had placed on the butt of the gun. He said he loaded the shotgun with slug rounds because the regular shotgun rounds apparently had not worked and he was afraid that Suspect Gault might return and try to shoot them. He said the slug rounds would make it easier for him to aim at Suspect Gault should Gault re-engage them in a gun battle.

Deputy Melville said he then activated his radio car's outside speaker system and announced for Suspect Gault to come out of his house and surrender to them. He said he also announced to Gault that if he was wounded, that they would get him medical aid if he surrendered. He said he got no response from Suspect Gault at any time after he went back inside his house. He said a short time later, [redacted] the suspect's [redacted] came out of the house and was placed in the back seat of Deputies Hill and Knight's radio car. He said [redacted] told them that Suspect Gault was still inside the house and was lying on the floor bleeding and coughing up blood. He said [redacted] also told him there was an elderly male in one of the bedrooms upstairs [redacted] MW/75). He said [redacted] described the elderly man as being in his 70's with gray hair. He said a few moments later, the elderly man [redacted] walked out of the house and he directed that individual to walk over to the radio cars in the north end of the cul-de-sac. He said he asked [redacted] if there was anyone else in the house besides Suspect Gault and was told there was not. He asked [redacted] about Suspect Gault's location inside the house and was told Suspect Gault was lying on the couch and bleeding very badly. He said [redacted] told him that he thought Suspect Gault was dead.

Deputy Melville said he and the other deputies formulated a plan to make entry into the house to see if they could render aid to Suspect Gault. Ultimately, a decision was made to use personnel from the Special Enforcement Bureau, who had arrived on the scene. Prior to Special Enforcement Bureau's arrival at the scene, Sergeant Wyman deployed an AR-15 rifle and gave it to him because he was AR-15 qualified. He said he took a position across the street from the suspect's residence behind a brick wall with a clear

view of Suspect Gault's front door and remained there until he was relieved by Deputy Stanley and taken to Santa Clarita Valley Station where he was interviewed by detectives from the Homicide Bureau.

Deputy Hill said on the night this incident occurred, he was working Unit 61 EM's with his partner and [redacted] Deputy Donald Knight. He said he and Deputy Knight received a vandalism call at [redacted] Snapdragon Place and arrived at that location at approximately 0100 hours. When he got to the location of the call, he contacted the informant, [redacted] FW/74, who told him that while sitting in her living room she heard a crash, looked around and noticed that her front window had been shattered. He said Mrs. [redacted] showed him the window in question and he saw that there was a 10 inch break in the first pane of one of the front windows **(Exhibit B-17)**. He said Mrs. [redacted] told him she had no idea who had broken her window. He said Mrs. [redacted] went on to relate that after the window was broken, she looked outside and saw two men across the street who appeared to be drinking. Believing that one or both of these individuals might have seen who broke her window, Mrs. [redacted] went outside and contacted the two men and asked them if they knew anything about her broken window. One of the men (later identified as Suspect Gault) became upset, and while denying any involvement, offered to pay for the broken window. He said Mrs. [redacted] told him she found Suspect Gault's behavior peculiar and went back inside her house and called the Sheriff's Department.

Deputy Hill said at the conclusion of the vandalism call, he and his partner, Deputy Knight, got back in their radio car and drove up next to the driveway at [redacted] (Suspect Gault's residence). He said they were just north of the corner of Snapdragon Place and Rhododendron Drive. He said he wanted to try to contact the two men Mrs. [redacted] had told him about to see if they could shed any light on the vandalism. He said when he pulled up in front of Suspect Gault's house, the interior appeared dark as if no one was home. He said he got out of his radio car and contacted an elderly female [redacted] at the front door and asked her if two young males lived at the location. He told [redacted] that he was looking for possible witnesses to the vandalism across the street. He said [redacted] told him that her [redacted] and her [redacted] Mark Gault, had been at the location earlier in the evening, but she wasn't sure if they had gone to sleep or left the house. He said [redacted] then went inside the location to see if her [redacted] and [redacted] where still there. He said she closed the front door when she went inside.

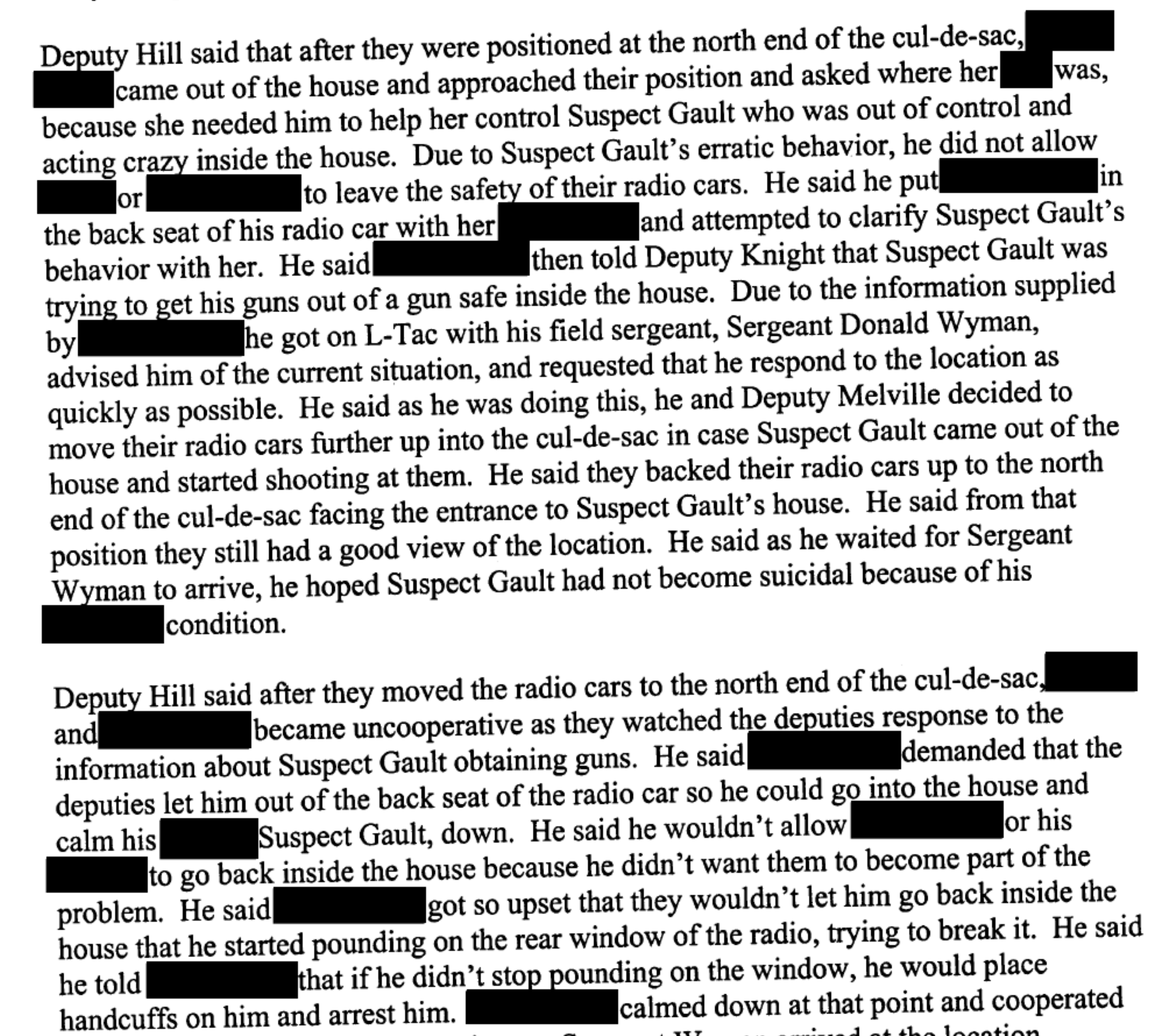
Deputy Hill said he and Deputy Knight stood near the head of the driveway awaiting [redacted] return for officer safety reasons. He said the front entrance to the location was illuminated and he felt uncomfortable standing there. He said a short time later Suspect Gault "stormed" out of the front door of the location with a knife in his right hand and walked directly toward them. He said it appeared as if Suspect Gault was going

to hand them the knife for a moment. He said Suspect Gault was very excited and rude. He said when he saw the knife in Gault's right hand, both he and Deputy Knight took one step back, reached for their weapons, and told Suspect Gault to drop the knife. He said Suspect Gault did as he was told and dropped the knife on the ground. He said Suspect Gault began yelling at them and demanding to know why they were there. He said Suspect Gault repeatedly told them they had no reason for being there. He said he tried to explain to Suspect Gault why they were there, but Gault wouldn't listen to them and continued yelling at them. He said he told Suspect Gault several times that they were just looking for possible witnesses to the vandalism across the street, but Gault apparently didn't comprehend what he was trying to tell him. He said at one point Suspect Gault said, "I don't know that you are the police." He said Suspect Gault was acting very strangely.

Deputy Hill said Suspect Gault's [redacted] had followed Suspect Gault outside, but stayed back and did not try to contact them. He said Suspect Gault was so enraged that he thought he might be on some kind of drugs like cocaine or methamphetamine. He said all of a sudden Suspect Gault turned around, walked past his [redacted] and went back inside the house and partially closed the front door. A few moments later Suspect Gault came back outside and was still very irate regarding their presence at the location. He said Gault was screaming something about his [redacted] being in the hospital dying. He tried once more to explain to Suspect Gault why they were there, but Gault wouldn't listen to him and abruptly stated, "Fuck you," and went back inside the house again. He said when Suspect Gault had first appeared with the knife, he had put out "10-33" emergency radio traffic, but that call for assistance was not picked up by SCC. He said after Suspect Gault went back inside the house a second time, he requested back-up regarding a possible 5150 WIC suspect.

Deputy Hill said that after he requested back-up, he called [redacted] over toward the garage and away from the front door of the location and engaged him in a conversation regarding Suspect Gault's behavior. He said [redacted] told him that Suspect Gault had been drinking and had become agitated because his [redacted] is in Henry Mayo Hospital suffering from a terminal illness and was close to death. He asked [redacted] if the suspect had any weapons inside the house. [redacted] told him he didn't know if there were any weapons inside the location or not. He said at that point Deputy Melville arrived at the location and he informed him about the situation. He said he decided to put [redacted] in the back seat of his (Hill's) radio car and then move it to the north end of the cul-de-sac to put some distance between them and Suspect Gault's residence. He said after speaking to Deputy Melville and transmitting containment instructions to the additional responding units, he instructed Deputy Vera, who had just arrived, to take a position of containment on the south side of Rhododendron Drive at Snapdragon Place. He said he then told Deputy Melville to get the stun bag weapon out of his trunk and get

ready to deploy it.



Deputy Hill said that after they were positioned at the north end of the cul-de-sac, [redacted] came out of the house and approached their position and asked where her [redacted] was, because she needed him to help her control Suspect Gault who was out of control and acting crazy inside the house. Due to Suspect Gault's erratic behavior, he did not allow [redacted] or [redacted] to leave the safety of their radio cars. He said he put [redacted] in the back seat of his radio car with her [redacted] and attempted to clarify Suspect Gault's behavior with her. He said [redacted] then told Deputy Knight that Suspect Gault was trying to get his guns out of a gun safe inside the house. Due to the information supplied by [redacted] he got on L-Tac with his field sergeant, Sergeant Donald Wyman, advised him of the current situation, and requested that he respond to the location as quickly as possible. He said as he was doing this, he and Deputy Melville decided to move their radio cars further up into the cul-de-sac in case Suspect Gault came out of the house and started shooting at them. He said they backed their radio cars up to the north end of the cul-de-sac facing the entrance to Suspect Gault's house. He said from that position they still had a good view of the location. He said as he waited for Sergeant Wyman to arrive, he hoped Suspect Gault had not become suicidal because of his [redacted] condition.

Deputy Hill said after they moved the radio cars to the north end of the cul-de-sac, [redacted] and [redacted] became uncooperative as they watched the deputies response to the information about Suspect Gault obtaining guns. He said [redacted] demanded that the deputies let him out of the back seat of the radio car so he could go into the house and calm his [redacted] Suspect Gault, down. He said he wouldn't allow [redacted] or his [redacted] to go back inside the house because he didn't want them to become part of the problem. He said [redacted] got so upset that they wouldn't let him go back inside the house that he started pounding on the rear window of the radio, trying to break it. He said he told [redacted] that if he didn't stop pounding on the window, he would place handcuffs on him and arrest him. [redacted] calmed down at that point and cooperated with them. He said as this was going on, Sergeant Wyman arrived at the location.

Deputy Hill said as he was requesting the patch to coordinate the response of his assisting units, Suspect Gault exited the house and walked down the north side of the cars parked in the driveway toward sidewalk. He said his view was partially blocked by the cinder block wall on the north side of the property. Due to that, he could only see the upper half of Suspect Gault's body. He said Gault did not have a shirt on and was carrying what he thought was a shotgun, but later turned out to be a semi-automatic rifle. He said Gault also had two handguns in his waistband. He said the rifle that Suspect Gault had in his possession looked like a "Benelli" shotgun. It was black in color, with pistol grips. He said Suspect Gault was holding the rifle with both hands out in front of him with the

pistol grip in his right hand and the forward stock in his left hand. He said when Suspect Gault reached the sidewalk near the adjacent property directly to the north, he told him to drop the rifle three or four times, but Suspect Gault refused to comply and walked just north of the property line, turned to his right, and placed the rifle on the lawn with both hands. He said Suspect Gault then took both handguns from his waistband, thrust them forward at arms length, and dropped them on the lawn. He said all three of the weapons were readily available and within Suspect Gault's reach. He said he then put out emergent radio traffic, stating that Gault had exited the house with several weapons in his possession. He said Suspect Gault then suddenly leaned forward as if to place his body in a prone position next to the cinder block wall. He said he and Sergeant Wyman yelled at Suspect Gault to continue to lean forward and lie down in the prone position. He said as Suspect Gault leaned forward, he wasn't sure if he was going to lie down or reach for the weapons he had placed on the lawn.

Instead of lying face down as ordered, Suspect Gault reached out and picked up the shotgun and one of the handguns on the lawn. Deputy Hill said Gault then brought the shotgun to the ready position. He said the muzzle of the gun was pointing up and the gun was across Suspect Gault's chest. He said Gault then pointed the muzzle of the rifle in their general direction and stated, "You guys have guns. I can have guns too!" He said Suspect Gault then started backing down the sidewalk toward his house, then along the cinder block wall toward the garage. He said Suspect Gault kept the barrel of the rifle pointed at them the entire time. During this time, Deputy Hill thought that Deputy Knight retrieved the shotgun from their radio car and had taken a position of cover behind the passenger door. He said he took a position of cover behind the driver's door of his radio car that was parked adjacent to Sergeant Wyman's vehicle. He said believed Deputy Melville had the headlights and spotlights of his radio car directed toward Suspect Gault.

Deputy Hill said Suspect Gault was now standing in the driveway facing them from behind the cinder block wall. He said he could see Suspect Gault's head and upper body and the rifle as he raised it to his chest. He said Suspect Gault turned to his left and looked over his left shoulder as he walked toward the garage. He said Gault was four to five feet up the driveway when he turned and faced them. Suspect Gault then pointed the rifle at them and he saw muzzle flashes coming from it. He said it looked like one of the rounds fired by Suspect Gault was a tracer round. He said at that point, he was in fear of his life and thought that he and the other deputies present might be killed by Suspect Gault. He said he as well as the other deputies present returned fire at Suspect Gault. He said he fired six or seven rounds at Suspect Gault from his Beretta 9mm pistol and put out "10-33" air traffic that they were involved in a shooting. He said after firing those rounds at Suspect Gault, Gault turned and ran toward the garage. He said Suspect Gault still had the rifle in his possession and was pointing it at them as he ran. As Suspect Gault ran, he moved to his right and dropped his head and shoulder. He said Suspect

Gault moved quickly away from the cinder block wall and was briefly out of his view as if he had ducked down or fallen. He said Gault suddenly reappeared, ran toward the front door of his residence, and disappeared from his view. Deputy Hill said Sergeant Wyman ordered them to stop firing at Suspect Gault after he went inside the house. He said he never saw Suspect Gault again after he ran back inside his house.

Deputy Hill said as he was coordinating responding units, a female [redacted] came out of the house and told them that there was an elderly man [redacted] inside the location with Suspect Gault. He relayed that information over the radio to his assisting units and added that they might have a barricaded suspect situation. A few minutes later, [redacted] came out of the house and was guided to their radio car by other deputies at the scene. He said [redacted] told them that Suspect Gault was lying on the couch in the living room, bleeding and he thought that Suspect Gault was dead. He said he asked [redacted] several questions about Suspect Gault's exact location inside the house and if there were any other weapons inside the location available to him. He said he tried to get as much information as he could in case they had to make entry to arrest Suspect Gault and provide him with medical aid in order to save his life. Prior to finalizing an entry plan, he and the other deputies at the scene were notified that Special Enforcement Bureau personnel would handle any entry into the location. He said he then helped with the evacuation of nearby residences and then drove himself and Deputy Knight to Santa Clarita Valley Station where they were interviewed by detectives from the Homicide Bureau.

Sergeant Wyman said he was the Early Morning Shift Field Sergeant, Unit 60S, on the date this incident took place. He said he heard Unit 61 EM's, Deputies Hill and Knight, request one unit to respond to a call they were handling at [redacted] to backup them up. He said Deputy Melville, Unit 65K EM's, acknowledged the backup request and responded to Snapdragon Place to assist Deputies Hill and Knight. He said he monitored the radio traffic on L-Tac between Units 61 EM's and 65K EM's and heard Deputy Hill indicate to Deputy Melville that a male (Suspect Mark Gault) at the location had threatened him with a knife and ran back inside the house. He said he instructed Deputies Hill, Knight, and Melville to hold their positions and not take any action until he could respond to the scene. He advised the deputies that he had a four minute ETA to their location. Sergeant Wyman said while en-route to the location, he heard over L-Tac that Deputy Hill had received information that the male that threatened him with a knife was trying to open a gun safe inside the location.

Sergeant Wyman said when he arrived at the Snapdragon address, he saw two radio cars in the cul-de-sac north of the location (Units 61 EM's and 65K EM's) and one radio car (Unit 61 T1 EM's, Deputy Guillermo Vera) south of the location near the intersection of Rhododendron Drive and Snapdragon Place. As he drove up, Deputy Hill requested that

he respond to his position at the north end of the cul-de-sac. He said as he drove up to Deputies Hill, Knight, and Melville's position, he received a message from the Santa Clarita Station desk to call the Watch Commander. He said he got out of his car and went to the passenger side of Deputy Hill's radio car, where Hill told him what had transpired prior to his arrival. He said that is when he learned that Deputies Hill and Knight had responded to the location in response to a vandalism call across the street from Suspect Gault's residence. He said Deputies Hill and Knight told him that they had talked to the victim of the call and pointed out a broken window that had been damaged by a pellet gun. He said Deputies Hill and Knight told him they were canvassing the area for possible witnesses to the vandalism when they came upon Suspect Gault at his residence.

Sergeant Wyman said Deputies Hill, Knight, and Melville told him they were talking to a female near the front entrance to the house when Suspect Gault came running downstairs armed with a knife. Deputies Hill, Knight, and Melville told him they ordered Suspect Gault to drop the knife, which he did, then Gault ran back inside the house. Deputies Hill, Knight, and Melville told him they picked up the knife and retreated toward their radio cars. He said Deputy Hill then pointed out Suspect Gault's residence to him. As he was listening to Deputy Hill relate the story to him, he started to call the Watch Commander as instructed. However, before he could do that, Deputy Hill yelled out, "Here he comes now!" He said he looked in the direction of Suspect Gault's house and saw a dark figure near the lighted porch area walk toward them across the driveway and up to a four foot high cinder block wall on the north side of the property. He said due to the height of the wall, he could only see Suspect Gault's upper chest area. He said neither he nor any of the other deputies present were alarmed by Suspect Gault's movements at that point.

Sergeant Wyman said Suspect Gault walked along the wall, down the driveway toward the street, and onto the sidewalk. He said Suspect Gault was not wearing a shirt. As soon as Suspect Gault walked onto the sidewalk and cleared the cinder block wall, he could see that Gault was armed with a rifle or possibly a shotgun and ordered him to drop the weapon. He said he drew his Beretta, pointed it at Suspect Gault and ordered him for a second time to drop the weapon he had in his possession. He said as he did so, he could hear Deputies Hill, Knight, and Melville order Suspect Gault to do the same thing. He said as he yelled at Suspect Gault to drop his weapon, he moved from the back of Deputy Hill's radio car to the passenger side of the vehicle. As he did so, Suspect Gault walked a few feet north of the cinder block wall and placed the rifle on the lawn to his immediate right. He said Suspect Gault then reached into his front waistband area, removed two additional handguns, and placed them on the lawn near the rifle.

Sergeant Wyman said at the same time Deputy Hill began moving up from behind the driver's door of his radio car to the front of the car. He said Deputy Hill was yelling at Suspect Gault to "lie down" or "get down." He said he thought Suspect Gault was going to comply with Deputy Hill's instructions and lie down on the ground as ordered, but instead, he picked up the rifle and held it by the butt-stock at a 45-degree angle with one hand near the trigger shroud and receiver and stated in an angry voice, "You guys got guns and so do I." He said Suspect Gault then pointed the weapon at them in a haphazardly fashion. He said he and Deputy Hill both retreated to the rear of the radio car. He said Suspect Gault then turned and walked next to the cinder block wall back toward the front door of his residence. He said as Suspect Gault was walking toward the front entrance of he residence, he suddenly turned around and pointed the rifle at them a second time. He once again ordered Suspect Gault to drop the weapon, but Gault refused to comply, turned, and walked up the driveway toward the garage. He said Suspect Gault was now holding the weapon in a 'port arms' position.

Sergeant Wyman said as Suspect Gault walked further up the driveway, it was harder to see him because the cinder block wall was higher in relationship to his upper body. He said Suspect Gault turned and pointed the rifle at them a third time, but did not place the stock in a firing position in his shoulder. He said he and the other deputies present continued to yell at Suspect Gault to drop the rifle and give up. He said Suspect Gault took another couple of steps, turned and pointed the rifle at them for a fourth time. He said this time he saw a muzzle flashes and lots of sparks and fire coming out of the barrel of the rifle. He said he thought Suspect Gault was going to kill one or more of them and returned fire. He said fired at least five or six rounds at Suspect Gault after Gault fired at them. He said he doesn't remember how many rounds Suspect Gault fired at them, but he does remember that the deputies around him were returning fire at Suspect Gault at the same time. Sergeant Wyman said as he and the other deputies returned fire at Suspect Gault, Gault turned and ran toward the recessed area near the front porch where he originally appeared and then ducked down out of sight. He said Suspect Gault then ran toward the entrance of his residence where he lost sight of him.

Sergeant Wyman said after the initial exchange of gunfire with Suspect Gault, he got on the radio and requested several units to respond to the location to assist them. He said based on the way that Suspect Gault ran into his residence, he didn't think he or the other deputies that shot at him had hit him and he was afraid that Gault might come back outside and start shooting at them again. After putting out the assistance broadcast, he took a position of cover and removed the partially empty magazine in his weapon and replaced it with a full one in case he had to re-engage Suspect Gault in a gun fight. He said a few minutes later, an elderly woman, [redacted] came out of Suspect Gault's house. He said the deputies directed her toward their position, just north of the location. He said Mrs. [redacted] told Deputy Knight that Suspect Gault was down on the living room

floor bleeding and coughing.

Sergeant Wyman said he heard several deputies ask Mrs. [redacted] if there was anyone else inside the house. Before she could answer the question, an elderly man, [redacted] walked out of the house and he was also directed to walk toward the deputies that were north of the location. [redacted] told them that Suspect Gault was lying on the couch in the livingroom and he thought he (Suspect Gault) was dead. He said [redacted] told them that there were no other people inside the location. He said after securing [redacted] and [redacted] in a safe place, he made sure the location was contained and then he requested SEB to respond. He said Santa Clarita Valley Station units held their containment until SEB arrived and took over functional command of the incident. He said after he was relieved by SEB personnel, he drove to the station and stayed there until he was interviewed by Homicide and Internal Affairs Bureau investigators.

WITNESS STATEMENTS

Deputy Knight said on the night this incident occurred, he was working the Early Morning Shift in Unit 61 with his partner and [redacted] Deputy Robert Hill. He said at about 0100 hours they handled a vandalism call at [redacted] Snapdragon Place. He said when they arrived, they contacted the informant, Mrs. [redacted] who told them that earlier that evening someone had either thrown or shot something through one of her front windows. He said Mrs. [redacted] told them that she saw her [redacted] Suspect Mark Gault, and another man sitting in front of his residence located directly across the street. He said Mrs. [redacted] told them that she went across the street and contacted both men and asked them if they knew how her window had been broken. He said Mrs. [redacted] told them that Suspect Gault denied any knowledge of the vandalism, but offered to pay for the damage. Mrs. [redacted] told them that she didn't want Suspect Gault to pay for something he didn't do and that she only wanted to know if he had any knowledge of the damage to her front window. He said Mrs. [redacted] told them she went home after Suspect Gault was unable to help her or give her any information about the broken window.

Deputy Knight said he got all the information for the vandalism report and prepared a report memo and gave it to Mrs. [redacted] who told them he thought it was strange that Suspect Gault offered to pay for a window he didn't break. He said after giving the [redacted] the report memo, he and Deputy Hill went across the street to contact Suspect Gault and the man that was with him to see if they could add anything further to their investigation of the vandalism. At the time, he and Deputy Hill believed Suspect Gault was only a possible witness and that was the only reason they wanted to talk to him. He said He and Deputy Hill knocked on the front door of Suspect Gault's residence and a female [redacted] answered the door. He said they told [redacted]

why they were there and asked to talk to Suspect Gault. He said [redacted] told them that she didn't know if Suspect Gault was home or not, but that she would go look. He said [redacted] shut the front door and went back inside the house.

Deputy Knight said approximately five minutes later, Suspect Gault ran out the front door holding a knife in his right hand by his fingertips. He said Suspect Gault was very agitated and acting strange. He said he and Deputy Hill were standing by the garage and Suspect Gault was pointing the blade of the knife down toward the ground. He said the knife was a folding type buck knife with a 4 to 5 inch blade. He said Deputy Knight told Suspect Gault to drop the knife, which he did after taking two steps backwards. He said Suspect Gault repeatedly asked them why they were there. He said even after they told Suspect Gault who they were and why they were there, he apparently didn't believe them because he told them that he didn't know who they were and that they could be imposters for all he knew. He said Suspect Gault then ran back inside the house. He said Suspect Gault's [redacted] had come outside with him and told them that Suspect Gault had gone crazy and he didn't know what had gotten into him.

Deputy Knight said while they were talking to [redacted] Suspect Gault came back outside again and was even more agitated. He said Suspect Gault kept pulling his shirt up and yelling at them. He said he couldn't understand anything Suspect Gault was saying. He said whatever Gault was saying, it made no sense at all. He said no matter how hard they tried, they couldn't calm Suspect Gault down. He said they had no idea why he was so upset. He said Suspect Gault lunged at Deputy Hill as if to grab him, but Deputy Hill managed to back away in time. Suspect Gault then went back inside the house again. He said [redacted] stayed outside with them and they took him over to their radio car. He said Deputy Hill then requested a back-up unit and a sergeant to respond to their location. He said when Deputy Melville arrived, they had [redacted] sit in the back seat of their radio car. He said [redacted] came back outside, walked up to their radio car and told them she needed [redacted] to go back inside the house with her to calm Suspect Gault down. He said [redacted] was adamant about [redacted] accompanying her back into the house to help her with Suspect Gault. He said she told them that Suspect Gault had gone completely crazy and was out of control.

Deputy Knight said he asked [redacted] if Suspect Gault had any guns or any other kind of weapons in the house. He said she told him that Suspect Gault had all kinds of guns in the house and was trying to get some of them out of his gun safe. He said he told Deputy Hill what [redacted] told him and had her sit in the back seat of the radio car with [redacted] He then backed their radio car up into the cul-de-sac north of the location for safety reasons should Suspect Gault come out of the house armed and a shooting occur. He said Deputy Melville did the same with his radio car and parked it on the east side of the cul-de-sac facing south. When Sergeant Wyman arrived, he parked his radio car

between his and Deputy Melville's patrol car. He said all three radio cars were facing south toward Suspect Gault's residence.

Deputy Knight said Suspect Gault then exited the house for a third time holding what he thought was a shotgun in his hands. He said Gault didn't have a shirt on and had two handguns stuck in his waistband. He said when he saw Suspect Gault come out of the house armed, he was sitting in the passenger seat of his radio car. He said he pulled out his Beretta and pointed it at Suspect Gault while still seated in the radio car. He said all of the other deputies that had arrived on the scene were yelling at Suspect Gault to drop his weapons. He said Suspect Gault was yelling something back at them, but he couldn't make out what he was saying. He said it sounded like Suspect Gault was saying something about how the deputies had their guns out and he had his gun out also, but he is not sure. He said Suspect Gault was standing in the driveway behind a waist high cinder block wall that borders the north end of his property. He said Suspect Gault walked down the driveway to the sidewalk, turned north, took a few steps and stopped. He said Gault was now standing in front of his neighbor's house. He said Suspect Gault suddenly dropped all three weapons on the ground in front of him, turned and started walking back to his house.

Deputy Knight said he thought Suspect Gault was going to go back inside his house, so he holstered his Beretta, leaned into the radio car, and hit the shotgun release button in order to retrieve the shotgun. He said as he did so, he heard numerous gunshots go off. He said the rounds sounded like they were coming from down range where he had last seen Suspect Gault. He said he could hear pinging noises as something hit his radio car and thought Suspect Gault must be shooting at them. He said he then heard gunfire all around him and knew that the deputies were returning fire at Suspect Gault. He said he looked up and saw Sergeant Wyman to his right. He said due to that, he could not return fire at Suspect Gault for fear of hitting Sergeant Wyman. He said he stayed down in a position of cover inside his radio car. He said all of a sudden everyone stopped shooting and he heard one of the deputies say that Suspect Gault had gone back into the house. Deputy Hill told him to back their radio car further up into the cul-de-sac because he was concerned about the saftey of [redacted] and [redacted] who were seated in the back seat. He said he backed their radio car up and parked it in front of Sergeant Wyman's vehicle at the extreme north end of the cul-de-sac and set up a containment of the area.

Deputy Knight said [redacted] became very agitated and started kicking at the rear door windows of the radio car in an attempt to get out. He said [redacted] actions upset [redacted] as well. He said [redacted] kept yelling at them that he could calm Suspect Gault down and get him under control if they would let him go inside the house and talk to him. He said the situation had gotten to the point where it was unsafe to let him do that and they told him so. He said after they got [redacted] under control, Deputy Hill set up

a containment and positioned responding units at various locations around the location. He said Deputy Hill told him to talk to [redacted] and [redacted] and get enough information to draw a diagram of the interior of the location. As he was doing that, he saw a female come out of the house and she was crying. He said Deputy Melville directed her toward his position with the use of his PA system and put her in the back seat of his radio car.

Deputy Knight said he made a diagram of the interior of the location after talking to [redacted] and [redacted] and gave it to Deputy Hill. He said [redacted] told him there was a 75 year old man still inside the location in one of the upstairs bedrooms. He relayed that information to Deputy Hill and later learned that the man in question came out of the house without incident. He said he also heard that the man told deputies that Suspect Gault was either on or under the couch in the living room. He said he was told to ask [redacted] and [redacted] the exact location of the couch in the livingroom and if it could be seen from outside the house. He said [redacted] told him the exact location of the couch and gave him information concerning various vantage points where it could be safely seen from outside the location. He was then told to help evacuate some of the residents that lived across the street from the location. He said he helped evacuate two homes and then took a position of containment in the open garage at the residence just north of the location with Deputy Gil. He said Deputy Hill then went to the command post at Sand Canyon and Soledad Canyon Road. He said he stayed in his position of containment until personnel from the Special Enforcement Bureau showed up about an hour and a half later and relieved them. He said he then went back to Santa Clarita Valley Station where he was interviewed by Homicide Detectives regarding his actions and observations during the shooting. He said he did not fire any rounds at Suspect Gault during the shooting in front of Gault's residence.

Deputy Vera said he was working the Early Morning Shift in Unit 61T1 when this incident occurred. He said he heard Deputy Hill put out a call for back-up regarding an uncooperative male adult at the Snapdragon address. He said he heard Deputy Hill over L-Tac say that he got into an argument with someone over a vandalism that occurred across the street from the Snapdragon address. He said Deputy Hill also told him over L-Tac that the suspect (Mark Gault) had come out of his house armed with a knife when deputies came there to talk to him. Deputy Hill also told him that Suspect Gault dropped the knife when ordered to do so and ran back inside the house before they could detain him. He said Deputy Hill told him that Suspect Gault's [redacted] had come outside with Suspect Gault and remained there when the suspect ran back inside his house.

Deputy Vera said he arrived at the location just after Deputy Melville and Sergeant Wyman showed up. He said Deputy Hill told him to get the stun bag out of his trunk and take a position covering the southwest side of Suspect Gault's residence. He said

Sergeant Wyman had taken up a position with Deputies Hill and Knight on the northwest side of the location. He said after he took up his position of containment, he saw a woman, [redacted] come out of the house followed by Suspect Gault. He said Suspect Gault was carrying a knife at his left side in a downward position. He said Suspect Gault walked up to the cinder block wall on the north side of his property and lowered his head behind it. He said he advised all the other units that had arrived at the location over his radio that Suspect Gault also had a rifle or shotgun in his possession. He said at the time he didn't know if Suspect Gault had any more firearms on him because he could only see the left side of his body. He said he could hear all the other deputies yelling at Suspect Gault several times to drop his gun and get on the ground, but Gault refused to comply.

Deputy Vera said he could see Suspect Gault fumbling around with something, but couldn't see what it was because his view was partially blocked by trees and bushes. He said as the deputies were yelling at Suspect Gault to put the shotgun down, Gault kept walking back and forth down the driveway to the sidewalk. As Gault did that, he heard a loud boom coming from the center area of the driveway. He said he could see Suspect Gault holding the butt end of the gun up against his shoulder with the barrel pointed straight out in front of him toward the deputies on the north side of the location. He then saw a muzzle flash as Suspect Gault fired the gun. He said he saw and heard only one round fired by Suspect Gault, but doesn't know if he fired more than that. He said he was positive that Suspect Gault fired at the deputies first and not the other way around. He said after Suspect Gault shot at the deputies, they returned fire and he heard at least 10 to 15 rounds being fired by the deputies when they returned fire. He said he was able to clearly see the exchange of gunfire because of the ambient lighting in the area from the porch lights, street lights, headlights and spotlights from the deputies' vehicles. After the exchange of gunfire, Suspect Gault ran back inside his house. He said he put that information out over the air to all the other deputies at the location in case they were unable to see where Suspect Gault had gone after the exchange of gunfire.

Deputy Vera said when he first heard the gunshots, he was standing in the driveway of the house at the [redacted] of Snapdragon and Rhododendron. He said when he heard the gunshots, he changed his position and moved around to the west side of a camper that was parked in the driveway for better cover. He said when Suspect Gault ran inside his house, he ran across the street to the house where the vandalism occurred and stood behind a large tree in the front yard. From that position, he could see both the front and rear sides of the location. After the shooting stopped, a woman came out of the house followed by an elderly man two or three minutes later. He then was told to help evacuate the immediate neighborhood in case they had a barricaded suspect situation develop. He was then sent to the command post at Sand Canyon and Soledad Canyon Road, and then to Santa Clarita Station where he was interviewed by Homicide and Internal Affairs Bureau investigators.

[redacted] said he is Suspect Mark Gault's [redacted] and was at the location visiting the [redacted] because his [redacted] (Suspect [redacted] was currently in Henry Mayo Newhall Memorial Hospital suffering from congestive heart failure. He said his [redacted] was in extremely critical condition and not expected to live. He said it was the first time he had seen his [redacted] Mark Gault in over five years. He said his [redacted] as well as another [redacted] and [redacted] from [redacted] were also visiting the [redacted] due to [redacted] He said he and Suspect Gault had spent most of the day together and had purchased plumbing supplies at a local store to repair one of the bathroom showers. He said they then went to a bar at approximately 1600 hours and each had a beer. On the way home, they stopped off at a grocery store and purchased a bottle of "Crown Royal" and some Coca-cola. He said they went home and sat around and drank the whole bottle of "Crown Royal." Just before it got dark, he and Suspect Gault, along with his [redacted] went outside to smoke and talk to each other. He said a woman who lives across the street came over and asked them if they had seen anything suspicious, because someone had just thrown a rock and broken one of her front windows. They all told the woman that they hadn't seen anything and didn't know how her window had been damaged. He said his [redacted] and Suspect Gault then went back inside the house.

[redacted] said about ten minutes later a man came to the house and asked to see his [redacted] Mark. He said he went inside the house and told Mark there was a man outside that wanted to talk to him. He said Mark went outside to talk to the man and he stayed inside the house. He said a few minutes later, Mark came back inside the house. He said approximately two hours after that, his [redacted] came upstairs and told him and Mark that there were two deputies outside that wanted to talk to them. He said he had no idea why the deputies wanted to talk to them, but he and Mark went outside to see what they wanted. He said as they went outside, Mark seemed to be aggravated because the deputies were there. He said the deputies were standing by the corner of the garage, next to the walkway that leads to the front door. He and Mark walked up to them to see what they wanted. He said he was standing in front of Mark and therefore could not see what he was doing. All of a sudden one of the deputies jumped back and he heard something hit the ground behind him. He turned around and looked and saw that Mark had dropped a knife on the ground. He said he was very surprised that Mark had taken a knife outside with him.

[redacted] said after Marked dropped the knife, one of the deputies shined his flashlight in his face. That seemed to agitate Mark even more, and he told the deputy to get the light out of his eyes. He said he couldn't believe how Mark was acting toward the deputies because they hadn't done anything to upset him and seemed pleasant enough. He said he just couldn't understand why Mark was so upset. He said Mark went back inside the house and he asked the deputies why they were there. He said they told him

they came over to ask some questions about the broken window across the street. He said he told the deputies that Mark was under a lot of stress because his [redacted] was in the hospital, near death, and suffering from congestive hear failure, and that she was on kidney dialysis. He said one of the deputies patted him down for weapons and asked him to accompany them out to the street so they could continue talking to him. He said when he got out to the street, he heard one of the deputies call for back-up on his portable radio. He said the deputies asked him if he wouldn't mind sitting in the back seat of their patrol car so a supervisor could talk to him when he arrived. He said he did as he was asked and got in the back seat of the patrol car and sat on the passenger side.

[redacted] said shortly thereafter, his [redacted] came outside and asked where he was. He said the deputies had her sit in the back seat of the patrol car with him. The deputies then moved the patrol car from in front of the house to the north end of the cul-de-sac and parked it facing Mark's house. He and his [redacted] were talking when he saw Mark come out of the house. He heard the deputies yell at Mark to "drop the guns." He said shortly after that he heard one gunshot. He said he knew the gunshot came from the direction of where Mark was standing, and he believed Mark was shooting at the deputies. He doesn't recall if Mark said anything to the deputies when they told him to drop the guns. He said he was closer to the deputies than he was to Mark when they ordered him to drop the guns and doesn't think he could have heard Mark's response if there was one. He does recall hearing one of the deputies saying, "He's got a gun," just prior to their ordering Mark to drop his weapons. He said from his position in the back seat of the radio car, he could look out the passenger window and see the north side of his [redacted] house. He said he could see Mark's head above a cinder block wall that separated Mark's house from the [redacted] house directly north of his. He said the property on the north side of Mark' house is raised, so he could only see Mark from the chest up. He said he couldn't see Mark's hands from his seated position inside the radio car.

[redacted] said he knew that Mark kept several guns in a safe inside the house because he had shown them to him years ago. He said the safe is located in the diningroom next to the kitchen. He said after Mark fired a round at the deputies, they returned fire and shot 15 to 20 rounds at him from behind their patrol cars. He said he doesn't know if Mark returned fire at the deputies, or if he did, how many rounds he fired in total. He said by that time he was hitting the window of the patrol car trying to get the deputies attention so they would let him out of the car. He felt that he could calm Mark down if he could just get to him. He said he heard one of the deputies say to stop shooting because Mark had gone back inside the house. After the shooting stopped, the deputies moved the patrol car he and his [redacted] were sitting in closer to the north end of the cul-de-sac and put two radio cars in front of them for their protection should the shooting continue.

[redacted] said he continued to try to get out of the patrol car because he was worried about his [redacted] Mark. He couldn't understand why Mark came out of the house and started shooting at the deputies. He said a deputy came over to the patrol car and told him that if he didn't calm down and stop banging on the car windows, he would put handcuffs on him. He calmed down a little bit and one of the deputies asked him if there was anyone else in the house with Mark. He and his [redacted] told the deputies that there was another [redacted] and [redacted] inside the house. He said a short time later his [redacted] came out of the house, but not his [redacted] He said the deputies moved the patrol car they were in down an alley and away from the location and gave him and his [redacted] some cigarettes, but wouldn't let them out of the patrol car. He said as he and his [redacted] sat in the patrol car, he saw SWAT officers arrive on the scene and several deputies evacuating the [redacted] that lived near his [redacted] house. He said he and his [redacted] sat in the patrol car for another 20 to 30 minutes and then were finally taken to a command post next to a donut shop, where they sat for approximately an hour before they were taken to the Santa Clarita Valley Sheriff's Station and questioned by homicide detectives.

[redacted] said the homicide investigators wanted to know if Mark had a drug or drinking problem. He said he told them that Mark had [redacted] and that he was drunk when the shooting occurred. He told investigators that he and Mark had drank half a bottle of Crown Royal prior to the shooting incident. He said he told investigators that Mark was very depressed about his [redacted] health. He also told investigators that Mark had used cocaine in the past, but didn't know if he still did because he hadn't seen him in over five years. He said he told investigators that he was told Mark had a very dark side to him that came out when he drank. He said he told investigators that he was very surprised at how agitated his [redacted] got when the deputies showed up at his house. He said he told investigators that Mark's [redacted] was not home during the shooting because he was at the hospital visiting his [redacted]

[redacted] said he is [redacted] and Suspect Gault's [redacted] He said he and his [redacted] were visiting from [redacted] because Suspect Gault's [redacted] was in the hospital and not expected to live. He said he and his [redacted] had been at the location for three days prior to the shooting incident. He said prior to the deputies arriving at the location, his [redacted] Suspect Mark Gault, told him he that he was angry with the police and did not like them. He said he went to bed at about 11p.m. and was awakened sometime later when he heard Suspect Gault and his [redacted] arguing downstairs in the diningroom. He said he heard [redacted] say to Suspect Gault, "You're wrong," and then someone calling Suspect Gault's name out over a loud speaker from outside the house. He said he knew the police were outside, but didn't know why. He said he heard Suspect Gault say to the deputies, "You put your guns down." He said from the sound of Suspect Gault's voice, he thought Mark was standing in the front

doorway as he was talking to the deputies.

[redacted] said all of a sudden he heard a volley of gunshots that sounded like they were coming from the doorway. He thought Suspect Gault fired a gun several times into the air or into the ground because the gunshots sounded like they came from where he heard Suspect Gault's voice. He said after the volley of gunshots, it became very quiet. He got dressed and went downstairs to see what was going on and saw Suspect Gault lying on the couch in the livingroom. He said he thought Suspect Gault was dead because he was covered in blood and wasn't breathing **(refer to Exhibit B-9 for further details).** He also saw a large amount of blood on the floor between the bottom of the stairs and the sofa. He said there was more blood in the diningroom and in the hall leading to the front door. He said he looked around but didn't see any guns in the house. He said he then walked outside via the front door, and although he didn't see any deputies, he could hear his [redacted] telling them who he was. He said the deputies called to him and told him to walk to their position at the north end of the cul-de-sac. He said the deputies put him in the back seat of a patrol car with his [redacted] He said they sat there for awhile and then the deputies moved the patrol car up a side road for their safety. He said he and his [redacted] were later taken to Santa Clarita Valley Sheriff's Station and interviewed by homicide detectives.

[redacted] said he told the homicide detectives that he knew there were guns in the house. He told them that when Suspect Gault was about 30 years old, he was robbed at gunpoint and his truck was stolen. He said since that time, Suspect Gault had obtained several guns. He said his [redacted] has a shotgun that he uses for target practice. He said Suspect Gault had one just like it. He doesn't know all of the types of guns owned by Suspect Gault, but he knew that Mark had three pistols that he had seen earlier in the week, one of which could be concealed in a pocket. His [redacted] told him that Suspect Gault confronted the deputies with an AK-47 assault rifle. He said all of those weapons were kept in the diningroom in a 6 foot tall gun safe that has a combination lock.

[redacted] said he told the homicide detectives that Suspect Gault's mental state was not very good. He said Mark was very anxious about his [redacted] poor health and constantly talked about it, which wasn't normal. He said Suspect Gault was drunk when the shooting occurred. He said Mark had a problem with alcohol and had his driver's license taken away for drunk driving and numerous traffic collisions. He said in Suspect Gault's current mental state, it was his opinion that he would not have taken the guns outside and confronted the deputies with them if he didn't want to get shot. He said his [redacted] told him that Suspect Gault had told her that his [redacted] was dead and that he wanted to be with her. He said Suspect Gault was very attached to his [redacted] and did not have a [redacted] He said he didn't think Suspect Gault could handle losing his [redacted] and that the shooting was his way of committing suicide.

[redacted] said she was visiting Suspect Gault's [redacted] and [redacted] because [redacted] was in the hospital in critical condition and not expected to live. She said she arrived at the location on Tuesday, November 14th, 2000. She said her [redacted] arrived from [redacted] two days later. She said Suspect Gault was very close to his [redacted] and could not accept the fact that she was dying. She said on the morning when the shooting occurred, everything thing seemed fine. She said her [redacted] went out to do some shopping and purchased some plumbing supplies to fix an upstairs shower. She said her [redacted] had talked a lot to Suspect Gault since he arrived at the location. She said Suspect Gault was a 'good boy' when he is sober, but that he had a very bad drinking problem. She said her [redacted] was able to calm Suspect Gault down when he got upset.

[redacted] said Suspect Gault started drinking later in the day, and she and her [redacted] left the house to go visit the suspect's [redacted] in the hospital. When she and her [redacted] returned from the hospital, Suspect Gault was drunk and so upset about his [redacted] that he was crying. She said when he got drunk, you couldn't reason with him. She said sometime between 0030 and 0100 hours on Saturday morning, 11-18-00, someone knocked on the front door and she went to answer it. She said two deputies were there and they asked to speak to the young man (Suspect Mark Gault) who lived at the location. She said she went upstairs and told Suspect Gault and her [redacted] that there were two deputies downstairs that wanted to talk to Suspect Gault. She said she remained upstairs when her [redacted] and Suspect Gault went downstairs to talk to the deputies. She said she could hear the front door open and then close. A short time later, she came downstairs and walked through the livingroom. As she did so, she could hear her [redacted] say to Suspect Gault, "I'm not going to let you do that." She said Suspect Gault was standing next to the gun safe where he kept all of his firearms. She said Suspect Gault was very drunk and was pushing [redacted] away from him. She said and [redacted] was telling him that he couldn't take the guns out of the safe, and Suspect Gault was telling her that she couldn't stop him.

[redacted] said Suspect Gault's [redacted] taught him about the National Rifle Association and raised him in the belief that everyone can and should have guns in their homes. She Suspect Gault was very defiant and anti-police. She said she and her [redacted] tried to prevent Suspect Gault from getting into the gun safe to retrieve some firearms, but he pushed them away and became very angry with them. She said Suspect Gault honestly believed that the deputies were going to come into the house and kill her and her [redacted] and that it was his duty to protect them, even if that meant shooting them. She said she and her [redacted] tried to explain to Suspect Gault that the deputies were not going to harm them, but he wouldn't listen to them and pushed them aside and then got some firearms from the gun safe. She said she and her [redacted] tried to stop him, but they weren't strong enough to overpower him. She said she ran outside to try to find her [redacted] while her

[redacted] continued to struggle with Suspect Gault in an attempt to keep him from taking the firearms out of the safe. She said she honestly believed that [redacted] could calm Suspect Gault down and keep him from doing something stupid and dangerous.

[redacted] said when she went outside, she found her [redacted] seated in the back seat of a patrol car with the doors locked. She asked one of the deputies to let her [redacted] out of the patrol car so he could go inside the house and calm Suspect Gault down. She said she told the deputies that Suspect Gault was trying to get his guns out of his gun safe and that he said he would kill them if they came inside the house to try to talk to him. She said the deputies asked her how many guns were in the house and she told them she didn't know. She said they then asked how many people were in the house in addition to Suspect Gault. She told the deputies that her [redacted] was still in the house but forgot that her [redacted] was still inside the location as well. She said the deputies had her sit in the back seat of the patrol car with her [redacted] and then locked the doors so they couldn't get out. She went on to relate to the deputies that Suspect Gault's mental condition had been deteriorating over the last couple of years and that he was very paranoid and very anti-police, especially when he was drinking. She said she told the deputies that when Suspect Gault was drinking, you couldn't reason with him because he felt he was under attack from society at large.

[redacted] said while she was sitting in the back seat of the patrol car, she heard someone state that Suspect Gault had come out of the house and that he was armed with a gun. She then heard one gunshot and saw the deputies train the spotlights on Suspect Gault and tell him to drop the gun he had in his possession. She said the deputies then fired 15 to 25 rounds at Suspect Gault, but she couldn't see where he was at because she was sitting in the back seat of the patrol car. She said her [redacted] told her that Suspect Gault was standing in the driveway behind the cinder block wall on the north side of the property. She remembers one of the deputies yelling, "Stop shooting. He's gone in the house!" She said one of the deputies then stated, "He's shot! He's bleeding! He's down! He's on the couch bleeding!" She said she panicked at that point because she knew that the couch was in the livingroom and in direct line with the front door of the location. She said Suspect Gault had told her prior to going outside that he would shoot any police officers that came through the front door. She said she was afraid that if the deputies tried to enter the location through the front door, Suspect Gault would shoot them.

[redacted] said at that point she and her [redacted] were screaming and yelling at the deputies to let them out of the patrol car. Her [redacted] was even beating on the windows with his fists trying to get out. She said one of the deputies came over to the car and told her [redacted] that if he didn't calm down, they would handcuff him. She told the deputy that if Suspect Gault had gone back inside the house, he had access to several firearms. She went on to relate to the deputy that should Suspect Gault come back outside and engage the deputies in a

gun battle, she and her [redacted] were "sitting ducks" in the back seat of the patrol car because they were in the direct line of fire. She said the deputies then moved the patrol car they were seated in further up the street to the extreme north end of the cul-de-sac and parked a couple of patrol cars in front of them for their safety. [redacted] said the deputies asked her more about the mental state of Suspect Gault and she told them that Suspect Gault told her that he had to kill the deputies because they were going to come into the house and kill them. She said Suspect Gault was mad at her and her [redacted] because they couldn't see that they were in jeopardy due the deputies. She said she told the deputies that Suspect Gault kept citing the Second Amendment to the Constitution, saying he had the right to bear arms and protect himself against his enemies. She said in this case he (Suspect Gault) believed the deputies were the enemy. She said she believes this whole episode was brought on by the terminal illness of Suspect Gault's [redacted]

[redacted] said she told homicide detectives later at Santa Clarita Station that some years ago, Suspect Gault had been robbed at gunpoint at a gas station and his truck had been stolen. From that day on, he had acquired numerous guns and said he would never again allow himself to feel that helpless. She said Suspect Gault had been armed ever since. She told homicide detectives that prior to the shooting, she, Suspect Gault, and her [redacted] were outside smoking when the woman who lives across the street came up to them and asked if they saw anyone throw a rock and break one of her front windows. She said they told the lady that they hadn't seen anything and didn't know anything about it. She said she didn't know if that incident had anything to do with Suspect Gault's behavior or not.

[redacted] said she and her [redacted] came to visit [redacted] and [redacted] because [redacted] is critically ill in a local hospital. She said her [redacted] Suspect Mark Gault, wasn't handling his [redacted] ill heath very well, but was glad to see her and her [redacted] when they came to visit. She said on the day the shooting occurred, she and [redacted] went to visit [redacted] in the hospital. She said while they were gone, Suspect Gault and his [redacted] went to the store and bought some plumbing supplies in order to fix one of the showers at the location. She said when she and [redacted] got home at about 10 p.m., they saw Suspect Gault and his [redacted] getting out of a car parked in front of the house. She said Suspect Gault was talking 'funny' and it made her very uneasy. She said as she walked into the house, [redacted] left to go visit his [redacted] at the hospital. She said a few minutes later she heard Suspect Gault talking to someone on the phone about his [redacted] condition. She said the more he talked about his [redacted] the more upset he got. She said she and [redacted] tried to comfort him, but were unsuccessful. She said Suspect Gault said his [redacted] impending death was hurting him so badly that he couldn't take it. She said a few minutes later, Suspect Gault went to an upstairs bedroom with [redacted]

[redacted] said later that evening two deputies came to the front door and asked to talk to her [redacted] and Suspect Gault about a broken window across the street. She said [redacted] got Suspect Gault and [redacted] and they went outside to talk to the deputies. A short time later, Suspect Gault came back in the house and tried to open the gun safe. She said she and [redacted] did all they could to prevent Suspect Gault from getting into the gun safe. She said they twisted the dial on the combination lock so he would have a harder time trying to get it open. She said when she told Suspect Gault that his [redacted] would not like the way he was behaving, he responded by stating, "She's dead and I want to be with her!" She said she and [redacted] continued to try to keep Suspect Gault away from the gun safe, but he told them to get away and stated, "I have the right to bear arms in my own house and to protect myself." She said Suspect Gault then asked her how she would feel if she had a dead [redacted] She said she told Suspect Gault that if he took the guns out of the safe and went outside with them, the deputies would probably shoot him. She said Suspect Gault responded by stating something to the affect that at least he would have his guns with him and that if the deputies had guns, he had the right to have them too. She said Suspect Gault told her he didn't trust the police.

[redacted] said [redacted] went outside to talk to the deputies while she stayed inside the house and tried to prevent Suspect Gault from retrieving the guns from the gun safe. She said Suspect Gault threatened to hit her if she didn't get out of his way and leave him alone. She said Suspect Gault got some guns out of the safe and threatened to shoot her if she tried to stop him from going outside. She said Suspect Gault told her his manhood depended on going outside and confronting the deputies. She said as Suspect Gault walked past her, she saw a handgun in his rear waistband. She said she pulled it out, threw it back in the safe, and then locked it. She said unfortunately, Suspect Gault had armed himself with some kind of rifle and several other handguns. She said Suspect Gault walked out the front door and she could hear the deputies saying, "He's got a gun!" She said she heard Suspect Gault reply, "Come here and show me some respect."

[redacted] said she initially walked to the front door with Suspect Gault and then went back in the diningroom and hid one of the guns that he had taken out of the safe but left in the house. She said she found a second gun and hid it also. A short time later Suspect Gault came back inside the house as she was trying to hide one of the rifles he had taken out of the safe. She said he put one gun down and picked up what she thought was an AK-47 assault rifle from a box on the diningroom table and went outside again. She said she walked to the front door and saw Suspect Gault raise the AK-47 and point it straight out in front of him. She said he was out near the sidewalk when he did that. When she realized he was pointing the rifle at the deputies, she shut the front door, ran to her bedroom, and tried to find the phone number to the hospital so she could call her [redacted] (Suspect Mark Gault's [redacted] and tell him what was going on. She said while she was doing that, she heard numerous gunshots being fired outside the house. She said she

has no idea who was firing those rounds, but believes Suspect Gault probably fired at the deputies first and they were forced to return fire at him.

[redacted] said shortly after the gunfire stopped, Suspect Gault re-entered the house. She said he was covered in blood and that blood was coming out of his mouth and he was coughing and gurgling. She said he fell to the floor in the diningroom and just laid there. She said she ran outside and yelled at the deputies to call for an ambulance because Suspect Gault was badly wounded. She said the deputies told her to walk towards them, but she went back inside the house to get her jacket first and then went outside again. She said her [redacted] was still inside the house. She said the deputies put her in the back seat of a patrol car and used a loud speaker to call her [redacted] out of the house. She said the whole situation was just awful and she was powerless to stop her [redacted] from forcing the deputies to shoot him.

[redacted] said he is Suspect Mark Gault's [redacted] He said he was not present during the shooting incident and therefore not a witness. He said he responded to Santa Clarita Valley Sheriff's Station to talk to the homicide detectives upon hearing about his [redacted] death. He said he told the homicide detectives that his [redacted] worked in special effects in the movie industry and was a good person when sober. He said his employers put up with his drinking even though it caused problems at work because he was good at his job. He said as of late, his [redacted] was not employed and only worked intermittently. He said every two or three months his [redacted] would go on drinking binges were he would become overly friendly, then verbally and physically angry, and then finally stay in his room for days at a time without having contact with anyone. He said his [redacted] did drugs in High School, but he did not know if he still used them. He knew his [redacted] was very anti-law enforcement and anti-authority. He said his [redacted] held those feelings because of a negative experience he had with the police when he had a traffic accident on his motorcycle. He said his son was lying in the ambulance with a broken leg and a deputy hit him on the bottom of his foot with a baton causing him severe pain in his broken leg.

[redacted] said both he and his [redacted] own several guns and those guns are kept in a gun safe in the diningroom of their home. He said he also keeps a revolver in his bedroom and a .45 caliber semiautomatic pistol in a drawer in the diningroom. He said his [redacted] is not well liked by the neighborhood because their yard is all weeds, and they parked old cars on the lawn and in front of the house on occasion. He said his [redacted] filed a complaint and the city came out and towed the cars away because they were unlicenced and were an eye sore. He said he doesn't know which [redacted] filed the complaint about the cars and doesn't know if it had anything to do with the vandalism to his [redacted] window. He said he wasn't at home when that incident occurred.

SUSPECT STATEMENTS

None.

ADDITIONAL INFORMATION

No deputies or any of the residents who lived near the shooting scene were injured as a result of the exchange of gunfire between the suspect and sworn personnel at the location. The District Attorney's Office was notified and responded to the crime scene. Personnel from the Internal Affairs Bureau, Force Training Unit, and the Civil Litigation Unit were on scene to assist Homicide Bureau personnel as needed. Deputy District Attorney Thomas Krag of the Special Investigations Division for the Los Angeles County District Attorney's Office also responded to the scene and assisted with the interviews of all involved deputy personnel. Upon completion of the case by Homicide Bureau, this case was presented to the Special Investigations Division of the Los Angeles District Attorney's Office. After reviewing the case they found the shooting to be legally justified under the circumstances and within Department Policy.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
CURT LIVESAY • Chief Deputy District Attorney
PETER BOZANICH • Assistant District Attorney

DAVID H. GUTHMAN • Director

June 26, 2001

Captain Frank Merriman
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Los Angeles, California 90040

Dear Captain Merriman:

Re: J.S.I.D. File # 100-8794/00-0676
L.A.S.D. File # 000-14778-0635-055

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 18, 2000 fatal shooting of Mark John Gault by Los Angeles County Sheriff's Sergeant Donald Wyman and Deputies Jonathan Melville and Robert Hill. For the reasons set forth below, this office declines to initiate criminal charges against these deputies.

The following analysis is based upon a thorough examination of the 156-page package of reports submitted to this office on May 18, 2001 by Detective Jeffrey Leslie of the Sheriff's Homicide Bureau. Five hundred eighty-eight photographs were also submitted and reviewed. Additionally, District Attorney personnel, including this writer, responded to this deputy involved shooting pursuant to the District Attorney Response Team Protocol.

DART personnel responded to [redacted] Santa Clarita, the scene of the incident, and were briefed by Detective Richard Graves, Sheriff's Department Homicide Bureau. DART members participated in interviews of civilian witnesses on the date of the incident at the Santa Clarita Sheriff's Station. Additionally, District Attorney Senior Investigator [redacted] was present at Gault's autopsy conducted at the Los Angeles County Department of Coroner on November 20, 2000.

FACTUAL ANALYSIS

On Friday, November 17, 2000, at about 10:20 p.m., [redacted] was inside her home located at [redacted] Snapdragon Place, Santa Clarita, when she heard a loud bang against her living room window. She went outside and saw that some unknown object had struck and broken the exterior pane of the dual pane window. Mrs. [redacted] then observed her [redacted] Mark Gault, and his



Criminal Courts Building
210 West Temple Street

[redacted] across the street in the yard in front of [redacted] Mrs. [redacted] spoke to the two men and asked them if they knew anything about her broken window. Mark Gault, who appeared upset, replied that he did not have any information but that he was willing to pay for the damage. Mrs. [redacted] told him that wasn't necessary and she returned to her home. She then called the Sheriff's Department to report the vandalism.

Mark Gault and his [redacted] then went inside the Gault residence where they shared a fifth of Crown Royal whiskey and Coca-Cola. [redacted] and an [redacted] and [redacted] were visiting from out of town at the time. They had gathered because Mark Gault's [redacted] was hospitalized with a terminal illness and was not expected to live much longer. Mark Gault had been despondent over his [redacted] impending death and had expressed his feelings of great emotional pain to his [redacted]

Later that night, shortly after 1:00 a.m. on Saturday, November 18, 2001, Sheriff's Deputies Robert Hill and Donald Knight responded to Mrs. [redacted] vandalism call. The deputies had received the report earlier in their shift but they had placed this matter behind other calls. They contacted Mrs. [redacted] who showed the deputies the damage and told them she had no idea who broke her window. She also related the fact that there were two men across the street at the time of the incident and told of the peculiar comment that her [redacted] had made about his willingness to pay for the damage. Deputies Hill and Knight then walked across the street to the Gault residence to contact Mark and [redacted] The deputies were attempting to determine whether they had witnessed the vandalism incident.

[redacted] answered the deputies' knock on the door. Deputy Hill explained the reason for his presence and indicated he was looking for any witnesses to the vandalism. The deputy specifically asked about the young man who lived in the home. [redacted] said her [redacted] and [redacted] had indeed been home and she went back inside to see if they were still awake. [redacted] found Mark and [redacted] upstairs and told them that the deputies wanted to speak with them. The two men then went downstairs and out the front door to speak with the deputies.

Mark Gault rapidly walked out the front door holding an opened lock-blade folding knife in his right hand. Deputy Hill, who was standing with Deputy Knight about fifteen feet from the door, saw the knife and simultaneously reached for his holstered firearm and ordered Mark to drop the knife. Mark immediately dropped the knife and began yelling at the deputies. He indicated that the deputies had no reason to be at his home and questioned whether they really were the police. The deputies responded that they were investigating the vandalism incident. However, it did not appear to the deputies that Mark was listening to them. Mark was extremely angry and Deputy Hill suspected that he was under the influence of some kind of drug. The deputies then observed [redacted] step from the house. Mark walked past [redacted] and entered the house. Mark then quickly re-emerged and made a statement about his [redacted] dying and abruptly ended his tirade with, "Fuck you!" Mark then re-entered the house.



[redacted] explained to the deputies that Mark's [redacted] was in the hospital with a terminal illness and was near death. He said that Mark had been drinking and was agitated. [redacted] was taken aback by how upset Mark became at the presence of the deputies. Deputy Hill asked whether there were other weapons inside the house and Mark stated he was unsure. The deputies then walked [redacted] to the street and asked him to sit in the back of their patrol car. [redacted] complied.

Deputy Jonathan Melville arrived while Deputies Hill and Knight were speaking with [redacted] He had responded to a request for back up that had been broadcast when Mark first stepped from the house armed with the knife. Deputy Melville was quickly briefed and he retrieved his stun gun shotgun. The deputies' two patrol cars were then repositioned to the north of the Gault residence toward the end of the cul-de-sac. Both cars were facing the house and their spotlights provided illumination. A third patrol car, manned by Deputy Guillermo Vera, arrived at the location and was positioned to the south of the home. Sergeant Donald Wyman was monitoring the radio communications and was en route to the location. The sergeant ordered the deputies to hold their positions pending his arrival. He estimated he was about four minutes away.

Inside the house, Mark went directly to a six-foot tall gun safe in the dining room. [redacted] Mark's [redacted] had heard the deputies' conversation with [redacted] and knew that Mark and [redacted] had gone outside to talk about the vandalism incident. The seventy-year-old Mrs. [redacted] along with sixty-nine-year-old [redacted] knew that Mark had been upset and agitated and together they tried to prevent Mark from opening the safe. The two women twisted the combination dial as Mark attempted to open the safe. Mark told them to get away because he was going to defend them from the deputies. He insisted that he had the right to bear arms and defend himself from his enemies. In this case, he said, the enemies were the police. He said he would kill any police who came into his house to talk to him.

[redacted] told her [redacted] that his [redacted] would not like the way he was behaving. Mark responded by stating, "She's dead and I want to be with her." Mark then asked his [redacted] how she would like to have a dead [redacted] insisted that Mark not take the guns out and that he stay inside the house. She told Mark, "If you take that gun out you will be dead for sure." He told her at least he would have his guns with him. He also said the deputies have guns, so he had the right to have his guns. [redacted] then went outside while [redacted] continued to try to keep Mark from opening the gun safe.

[redacted] approached the deputies and told them that they needed to let [redacted] go inside the house to try and calm Mark down. She indicated that Mark was inside "tearing stuff up" and mentioned that [redacted] was also inside. Reluctantly, she informed the deputies that Mark was trying to get into a gun safe to retrieve his guns. [redacted] was then seated in the back of the patrol car along side [redacted] continued to explain that Mark's mental condition had deteriorated over the last couple of years. He was very paranoid and very anti-police, especially when he was drinking. Both [redacted] and [redacted] were locked inside the car by the deputies as a precautionary



safety measure. They were both very upset that they could not leave the car and help in the situation. They pounded on the windows, yelled, and demanded to be released. Deputy Melville exchanged the stun gun shotgun for a conventional shotgun when he realized that the situation was escalating beyond that of a man simply brandishing a knife.

Back inside the house, Mark threatened to kill [redacted] if she did not get out of his way. He said he loved her, but he had to do this and did not want to hurt her. [redacted] watched as Mark pulled several guns out of the safe. She managed to pull one gun out of the back of Mark's waistband. [redacted] tossed it into the safe before she closed and locked the door. However, Mark had already obtained several other guns.

With a .45 caliber semi-automatic pistol and a .357 caliber revolver tucked into the front of his pants, and a semi-automatic Maadi 7.62x39 assault rifle (including an attached extended capacity banana clip containing no less than 26 live rounds) in his hands, Mark emerged from the front door of the house. All of the weapons were loaded. [redacted] followed Mark to the doorway and heard him taunt the deputies. She overheard Mark tell the deputies to "come here" and show him some respect as he walked from the front porch.

By this time, Sergeant Wyman had already arrived. He had quickly driven past the house and pulled in between the two patrol cars at the end of the cul-de-sac about a minute before Mark Gault emerged from his house with the three firearms. While being briefed by Deputies Hill and Knight, they observed Gault walk out from the recessed front porch.

From their view, they could only see Gault from the chest up due to a cinder block retaining wall that bordered the length of the north side of the driveway. The property just north of Gault, between Gault and the deputies at the north end of the cul-de-sac, was elevated about three and a half feet and allowed Gault potential cover. As Gault walked toward the end of the driveway, and then up the sidewalk a couple of steps toward the deputies, the guns became visible to all of the deputies. Gault stood on the sidewalk just north of his property and held the rifle in his right hand while he pointed it in the general direction of the deputies to the north. He made a circular motion with his left arm toward the deputies which was interpreted as challenging the deputies to engage him in a gunfight.

The deputies immediately ordered Gault to drop his weapons. He withdrew both handguns from his waistband and tossed them a foot or two into the neighboring property's elevated planter at the foot of his driveway and just off the sidewalk. Deputy Melville aimed a shotgun loaded with #4 buckshot toward Gault. Sergeant Wyman and Deputies Hill and Knight were each directing their 9mm semi-automatic Beretta pistols on the armed subject. Gault then laid the rifle near the guns and began to lean forward against the retaining wall as if he was attempting to take a prone position for the deputies. All of the weapons were still at arms length in front of Gault.



Deputy Knight, believing Gault was surrendering, holstered his Baretta and entered his patrol car to retrieve his shotgun. The other deputies continued to order Gault to lay down on the sidewalk. Gault then reached over and picked up the assault rifle. He said, "You guys have guns. I can have guns too."

Gault immediately backed down the sidewalk and onto his driveway. He walked towards his garage door while pointing the assault rifle at the deputies. The retaining wall provided some cover for Gault's lower body. Gault then opened fire upon the deputies to the north. The deputies heard Gault's opening salvo and saw an incredibly bright muzzle flash coming from the Maadi, an Egyptian manufactured version of the AK-47 assault weapon. Sergeant Wyman and Deputies Hill and Melville, fearing they were going to be killed by Gault's rifle fire, returned fire. Deputy Melville fired two rounds from his shotgun and believed he hit Gault because he winced and turned his head to the right following the second shot. Sergeant Wyman and Deputy Hill each fired their Barettas several times in the exchange of gunfire. Gault continued to fire on the deputies. Deputy Knight took cover inside his patrol car when the shooting began and did not believe he was in a safe position to return fire. Deputy Vera, still to the south of both Gault and the other deputies, took cover and refrained from firing, not wanting to create a dangerous crossfire.

Deputy Melville fired his shotgun two more times before arming himself with his Baretta and firing about five more times. In the firefight, Gault shot his high-powered rifle eight times at the deputies before he dropped the rifle on the driveway and retreated back into the house. He had been struck in the chest by a single pellet of #4 buckshot as well as having sustained a through and through bullet wound to his upper right shoulder and a shotgun pellet wound to his right hand. He had also been grazed along his right forearm. In all, the deputies returned a total of 21 shots at Gault in addition to the four shotgun rounds.

[redacted] observed Gault when he came back inside the house. He was bleeding profusely from his mouth and was gurgling and coughing. Gault fell to the floor between the kitchen and dining room and [redacted] quickly went outside to summon help for her [redacted] When she was outside, [redacted] remembered that her [redacted] was still inside and so informed the deputies. Using a public address speaker, the deputies ordered [redacted] to come out of the house. The seventy-five year-old man had been upstairs during the entire incident. As [redacted] walked down the stairs and out of the house, he saw the mortally injured Mark Gault sprawled across the living room couch. He was covered in blood and did not appear to be breathing at that time.

The Sheriff's Special Enforcement Bureau set up a perimeter around the house and unsuccessfully attempted to make contact with Mark Gault by telephone and public address. At approximately 5:00 a.m., S.E.B. team members made entry into the house and found Mark Gault in the position that James Gault had described. Mark Gault was pronounced dead at 5:07 a.m.



An autopsy was conducted by Deputy Medical Examiner Lisa Scheinin, M.D., of the Los Angeles County Department of Coroner on November 20, 2000. The cause of death was ascribed to the injury sustained by the single pellet of #4 buckshot that struck Gault in the left side of his chest. The pellet perforated Gault's left and right lungs and his aorta. The other injuries were described as non-fatal. Toxicology tests indicated the presence of cocaine in Gault's blood. Additionally, Gault's blood alcohol level was measured at .14% in his chest blood and .18% in his femoral blood.

CONCLUSION

California law permits the use of deadly force in self-defense or in the defense of another if it reasonably appears to the person claiming the right of self-defense or the defense of another that he actually and reasonably believed that he was in imminent danger of great bodily injury or death. *People v. Williams* (1977) 75 Cal. App. 3d 731.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. *CALJIC* 5.30. 5.32.

Mark Gault's actions of confronting a group of Sheriff's deputies with three loaded firearms represented an objectively extreme danger to the lives of those deputies. By firing a high-powered military styled assault weapon directly at the deputies, Gault left the deputies with no reasonable choice but to defend themselves with the lawful use of their weapons.

Having concluded that Sergeant Wyman and Deputies Melville and Hill acted lawfully, we are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By: [signature]

THOMAS R. KRAG
Deputy District Attorney
213/974-3888

c: Sergeant Donald Wyman, Serial No. [redacted]
Deputy Jonathan Melville, Serial No. [redacted]
Deputy Robert Hill, Serial No. [redacted]

